

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAMMY L. SCHUCK,
TABATHA N. ASHBURN and
CHRISTOPHER J. TIERNEY,

Defendants.

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8:12CR107

ORDER

This matter is before the court on the motions for an extension of time by defendants Tammy Schuck (Schuck) (Filing No. 42) and Tabatha N. Ashburn (Ashburn) (Filing No. 40). Schuck and Ashburn seek an extension of thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 24). Schuck and Ashburn have filed an affidavit wherein they consent to the motion and acknowledge they understand the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing Nos. 43 and 41). It is represented that government's counsel has no objection to the motions. Previously, the court has extended the pretrial motion deadline as to co-defendant Tierney (Filing No. 38). Upon consideration, the motions will be granted.

IT IS ORDERED:

Defendant Schuck's and Ashburn's motions for an extension of time (Filing Nos. 42 and 40) are granted. Schuck and Ashburn are given until **on or before August 29, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **July 31, 2012, and August 29, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 31st day of July, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge